

On September 2, 2016, the Director of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission (the Director) filed the above-captioned complaint. The Commission attempted to serve the complaint on Larry Coy, the Respondent, by certified mail. On October 7, 2016, the Director filed a *Motion for Judgement by Default*, requesting that the Commission find Mr. Coy in default and order him to pay \$1,750 to the Public School Fund and \$1,200 to the Manufactured Housing Fund; “weigh these violations against Mr. Coy’s moral character for the purpose of any future application to install manufactured homes regulated by the Commission;” and authorize the Commission’s General Counsel to file a petition in the appropriate court seeking penalties. However, on October 11, 2016, the certified mail

was returned to the Commission marked “RETURNED TO SENDER – UNCLAIMED – UNABLE TO FORWARD.”

As the record does not indicate service on the Respondent, the Commission will direct the Director to propose and/or achieve service prior to making any finding of default. Additionally, the Commission finds that because the Director noted an error in its original complaint, the complaint should be amended prior to its service. Further, the complaint requests relief in the form of a declaratory judgment with regard to a “future application.” It is not within the scope of the Commission’s authority to make a declaratory judgment. Thus, the Commission will decline to do so.

Therefore, the Commission advises the Director to amend its complaint as discussed, and to either achieve service on the Complainant or request that the Commission procure service and the manner in which it should do so, before requesting a motion for default.

THE COMMISSION ORDERS THAT:

1. The Director of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission is granted permission to amend its complaint as set out herein.

2. The Director of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission shall achieve service of the amended Complaint on Larry Coy or provide the Commission with the suggested method of doing so, prior to requesting a default order.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff
Secretary

Nancy Dippell, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of December, 2016.